

1999 ASSEMBLY BILL 371

June 10, 1999 – Introduced by Representatives WALKER, MEYER, HUEBSCH, BERCEAU, BLACK, DUFF, FREESE, GUNDERSON, GUNDRUM, HAHN, HANDRICK, HASENOHRL, HOVEN, JESKEWITZ, KESTELL, KLUSMAN, KREIBICH, KRUSICK, LA FAVE, F. LASEE, LASSA, M. LEHMAN, LEIBHAM, MILLER, MONTGOMERY, MUSSER, PETROWSKI, PETTIS, PLALE, POCAN, PORTER, POWERS, RHOADES, RILEY, RYBA, SCHOOFF, SCHNEIDER, SERATTI, SHERMAN, SINICKI, SUDER, TRAVIS, URBAN, WASSERMAN and ZIEGELBAUER, cosponsored by Senators SHIBILSKI, ELLIS, DARLING, FARROW, GEORGE, HUELSMAN, LAZICH, PANZER, RISSER and ROSENZWEIG. Referred to Committee on Assembly Organization.

1 **AN ACT to amend** 153.05 (1), 153.05 (5) and 153.05 (8) of the statutes; **relating**
 2 **to:** requiring written consent of patients before submittal of certain
 3 information to the department of health and family services.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) is authorized to collect, analyze and disseminate health care information, as adjusted for case mix and severity, in order to provide information concerning health care providers and uncompensated health care services and to provide information to assist in peer review for the purpose of quality assurance. DHFS is also authorized to require health care providers to submit a uniform data set of health care information for the preparation of reports, plans and recommendations. Lastly, DHFS is required to collect claims information and other health care information. Data may be obtained through sampling techniques in lieu of collection of data on all patient encounters; data collection procedures must minimize unnecessary duplication and administrative burdens. DHFS may waive an information requirement of a health care provider upon request and under evidence that the requirement is burdensome. Patient-identifiable data received by DHFS is not subject to open records laws. DHFS must remove and destroy certain information on uniform patient billing forms received, including patients' names and street addresses. Other patient-identifiable data may be released by DHFS under specified procedures to the patient or a person granted permission by the patient; to a health care provider, to ensure accuracy of the information; to DHFS itself for

ASSEMBLY BILL 371

storage and to check accuracy; or to DHFS or an entity required by federal or state laws, for epidemiological investigation or to eliminate the need for duplicative data. DHFS may not require a health care provider submitting health care information to include the patient's name, street address or social security number.

This bill requires that a health care provider, before submitting to DHFS required claims information, obtain the written consent of the patient to the release of this information.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 153.05 (1) of the statutes is amended to read:

2 153.05 (1) In order to provide to hospitals, health care providers, insurers,
3 consumers, governmental agencies and others information concerning health care
4 providers and uncompensated health care services, and in order to provide
5 information to assist in peer review for the purpose of quality assurance, the
6 department shall collect, analyze and disseminate health care information, as
7 adjusted for case mix and severity, in language that is understandable to lay persons.
8 Before a health care provider submits claims information under this subsection, the
9 health care provider shall obtain the written consent of the patient to the release of
10 this information.

11 **SECTION 2.** 153.05 (5) of the statutes is amended to read:

12 153.05 (5) Unless sub. (13) applies, the department may require health care
13 providers to submit to the department information specified by rule under s. 153.75
14 (1) (n) for the preparation of reports, plans and recommendations in the form
15 specified by the department by rule. Before a health care provider submits claims
16 information under this subsection, the health care provider shall obtain the written
17 consent of the patient to the release of this information.

